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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,702	07/14/2003	James Baich	87359.1960	3730

7590 04/26/2005

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EXAMINER
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BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/617,702

Applicant(s)

BAICH ET AL.

Examiner

David E. Bochna

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 7, 8, 11, 15, 18-21 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Young.

In regard to claims 1 and 21, Young discloses a slip joint adaptor comprising;

a housing 5 having a substantially hexagonal outer cross section;

a first chamber 9 contained within the housing and configured to allow a pipe 11 to slide through it;

a second chamber 17 contained within the housing and configured to allow an end of a pipe 13 to slide through it and to provide a bridge for material flowing from the pipe to a second pipe when an end of the pipe does not contact an end of the second pipe (**see fig. 3 where the base surface of 17 is configured to act as a bridge containing fluid within the nut 5 if the threads on 5 and 16 were engaged, but 12 had not yet contacted 13**); and

a third chamber 6 contained within the housing and configured to attach to an end of a second pipe.

In regard to claim 2, the first, second and third chambers are substantially coaxial.

In regard to claim 4, the third chamber has threads 6 for attaching to an end of a second pipe.

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In regard to claim 7, further comprising a tapered portion 7 located between the first 9 and second 17 chambers.

In regard to claim 8, further comprising a pipe 11 extending through the first chamber in a slidable fashion and terminating with a flared end 13 in the second portion, the flared portion having a diameter sufficient to prevent the pipe end from sliding through the first the first chamber.

In regard to claim 11, Young discloses a slip joint adaptor comprising:

means 5 for housing a pipe 11 configured to allow an end of a first pipe to slide through it;

means 13 for limiting sliding motion of the first pipe so that the first pipe does not slide out of the housing means; and

means 6 for attaching to an end of a second pipe; and

means 17 for bridging fluid flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe.

In regard to claim 12, the attaching means 5 has a substantially hexagonal outer cross-section.

In regard to claim 13, attaching means has threads 6 for attaching to an end of a second pipe.

In regard to claim 15, further comprising a pipe 11 extending through the housing means in a slidable fashion and terminating with a flared end 13 configured to prevent the flared end from sliding out of the housing means.

In regard to claim 18, Young discloses a method of attaching two pipe ends comprising:

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Sliding a first pipe 11 through a slip joint adapter 5;

Positioning the slip joint adapter to the desired location on the first pipe;

Providing a stop 13 on the first pipe that blocks the first pipe from sliding into the slip joint adapter farther than a predetermined distance;

Attaching the slip joint adapter to an end of the second pipe 15; and

Bridging material 18 carried by the pipe with the slip joint adapter between two noncontacting pipe ends.

In regard to claim 19, further comprising sealing 18 the first pipe with the slip joint adapter.

In regard to claim 20, further comprising flaring the end of the first pipe 13.

In regard to claim 23, the first and second chambers are configured to allow the pipe to slide in an axial direction relative to the housing while maintaining a bridge for material flowing from the pipe to the second pipe (11 can slide within 5 and 11 could slide back away from contacting 12 and the inner surface of 5 would act as a bridge for material flowing as long as the first couple threads of 5 and 16 were contacting each other).

In regard to claim 24, the first and second chambers are configured to allow the pipe to slide in an axial direction relative to the housing in order to facilitate connection of the pipe to the second pipe when the end of the pipe is located at various lengths from the end of second pipe (11 can slide within 5 and 11 could slide back away from contacting 12 and the inner surface of 5 would act as a bridge for material flowing as long as the first couple threads of 5 and 16 were contacting each other).

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3. Claims 1-2, 4-7, 9-14, 16-19 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin et al.

In regard to claim 1, Rubin discloses a slip joint adaptor comprising;

a housing 34;

a first chamber (part of 34 contacting 24) contained within the housing and configured to allow a pipe 24 to slide through it;

a second chamber (longitudinal interior surface between threads and taper) contained within the housing and configured to allow an end 62 of a pipe 24 to slide through it and to provide a bridge for material flowing from the pipe to a second pipe when an end of the pipe does not contact an end of the second pipe (**the second chamber is configured to act as a bridge when 36 is partially tightened to 18, but not tightened enough that 14 contacts surface 26**); and

a third chamber 48 contained within the housing and configured to attach to an end of a second pipe.

In regard to claim 2, the first, second and third chambers are substantially coaxial.

In regard to claim 4, the third chamber has threads 46 for attaching to an end of a second pipe.

In regard to claim 5, further comprising at least one annular groove 70 in the first chamber configured to house an O-ring gasket 72.

In regard to claim 6, further comprising:

a pipe 24 extending through the first chamber in a slidable fashion and having an end in the an O ring gasket 72 in the at least one groove the O ring gasket having an inner diameter less

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than an outer diameter of the pipe, and the O ring gasket having an outer diameter greater than the diameter of the groove.

In regard to claim 7, further comprising a tapered portion located between the first and second chambers.

In regard to claim 9, further comprising:

a pipe 24 extending through the first chamber in a slidable fashion and having an end in the second chamber; and

a shoulder 58 having a diameter greater than a diameter associated with the first chamber, the shoulder mounted on a portion of the pipe located outside the housing 34 and located on the pipe to but against the housing and prevent the end of the pipe from extending into the third chamber.

In regard to claim 10, further comprising:

a pipe 24 extending through the first chamber in a slidable fashion and having an end in the second chamber; and

a seal 72 located between the pipe and the housing substantially sealing the second chamber from the outside of the housing via the first housing.

In regard to claim 11, Rubin et al. discloses a slip joint adaptor comprising:

means 34 for housing a pipe 24 configured to allow an end of a first pipe to slide through it the means for housing;

means 62 for limiting sliding motion of the first pipe so that the first pipe does not slide out of the housing means; and

means (threads) for attaching to an end of a second pipe; and

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means for bridging fluid flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe.

In regard to claim 13, attaching means has threads 46 for attaching to an end of a second pipe.

In regard to claim 14, further comprising at least one seal 72 containing means in the means for housing.

In regard to claim 16, a pipe 24 extending through the housing means; and

A stop 58 located on the pipe and located on the pipe to prevent the end of the pipe from extending into the housing means farther than a predetermined distance.

In regard to claim 17, further comprising:

a pipe 24 extending through the housing means; and

means 72 for sealing the pipe into the housing means.

In regard to claim 18, Rubin et al. discloses a method of attaching two pipe ends comprising:

Sliding a first pipe 24 through a slip joint adapter;

Positioning the slip joint adapter to the desired location on the first pipe;

Providing a stop 58 on the first pipe that blocks the first pipe from sliding into the slip joint adapter farther than a predetermined distance;

Attaching the slip joint adapter to an end of the second pipe; and

Bridging material carried by the pipe with the slip joint adapter between two noncontacting pipe ends.



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In regard to claim 19, further comprising sealing 72 the first pipe with the slip joint adapter.

In regard to claim 23, the first and second chambers are configured to allow the pipe to slide in an axial direction relative to the housing while maintaining a bridge for material flowing from the pipe to the second pipe (**the second chamber is configured to act as a bridge when 36 is partially tightened to 18, but not tightened enough that 14 contacts surface 26**).

In regard to claim 24, the first and second chambers are configured to allow the pipe to slide in an axial direction relative to the housing in order to facilitate connection of the pipe to the second pipe when the end of the pipe is located at various lengths from the end of second pipe (**the second chamber is configured to act as a bridge when 36 is partially tightened to 18, but not tightened enough that 14 contacts surface 26**).

4. Claims 1-2, 4, 10-11, 13-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shurtleff.

In regard to claims 1 and 21, Shurtleff discloses a slip joint adaptor comprising;  
a housing 3 having a substantially hexagonal outer cross section;  
a first chamber 15 contained within the housing and configured to allow a pipe 2 to slide through it;

a second chamber (space between 15 and threads 19) contained within the housing and configured to allow an end of a pipe 16 to slide through it and to provide a bridge for material flowing from the pipe to a second pipe when an end of the pipe does not contact an end of the second pipe (see fig. 2 where material could flow from one pipe to the other when the housing is

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in this position because of the second and third chambers even though the ends of the pipes do not contact one another); and

a third chamber 19 contained within the housing and configured to attach to an end of a second pipe.

In regard to claim 2, the first, second and third chambers are substantially coaxial.

In regard to claim 4, the third chamber has threads 19 for attaching to an end of a second pipe 1.

In regard to claim 10, a pipe extending through the first chamber in a slidable fashion and having an end in the second chamber; and

A seal 18 located between the pipe and the housing substantially sealing the second chamber from the outside of the housing via the first chamber.

In regard to claim 11, Shurtleff discloses a slip joint adaptor comprising:

means 3 for housing a pipe 2 configured to allow an end of a first pipe to slide through it;

means 16 for limiting sliding motion of the first pipe so that the first pipe does not slide out of the housing means; and

means 19 for attaching to an end of a second pipe 1; and

means (interior surface of 3) for bridging fluid flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe (see fig. 2 or 4 where the pipe ends do not contact one another).

In regard to claim 13, attaching means has threads 19 for attaching to an end of a second pipe.

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In regard to claim 14, further comprising at least one seal 18 containing means (shoulder created by 18 helps contain seal 18) in the means for housing.

In regard to claim 16, a pipe 2 extending through the housing means; and

A stop 17 located on the pipe and located on the pipe to prevent the end of the pipe from extending into the housing means farther than a predetermined distance.

In regard to claim 17, further comprising:

a pipe 2 extending through the housing means; and

means 18 for sealing the pipe into the housing means.

In regard to claim 18, Shurtleff discloses a method of attaching two pipe ends comprising:

Sliding a first pipe 2 through a slip joint adapter 3;

Positioning the slip joint adapter to the desired location on the first pipe;

Providing a stop 17 on the first pipe that blocks the first pipe from sliding into the slip joint adapter farther than a predetermined distance;

Attaching the slip joint adapter to an end of the second pipe 1; and

Bridging material carried by the pipe with the slip joint adapter between two noncontacting pipe ends (see fig. 2 or fig. 4).

In regard to claim 19, further comprising sealing (via 18) the first pipe with the slip joint adapter.

In regard to claim 22, the end of the pipe does not contact the end of the second pipe (see fig. 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al. in view of Hampe et al. Rubin et al. discloses that the housing can have a rough exterior or indentations for the fingers in order to facilitate assembly (see col. 5, lines 14-16), but Rubin et al. does not disclose that the housing has a hexagonal exterior. Hampe et al. teaches that a knurled exterior (a rough exterior) or a series of flat faces are equivalents in the art (see col. 4, lines 31-33). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the knurled surface of Rubin et al. to include wrench flats, as taught by Hampe et al.

***Response to Arguments***

7. Applicant's arguments filed 3/14/05 have been fully considered but they are not persuasive. Applicant argues that Young and Rubin et al. are not configured to allow an end of a pipe to slide through it and provide a bridge for material flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe. However, it is the Examiner's contention that Young and Rubin et al. are configured to provide a bridge when the pipe ends are not contacting. Please see the prior art rejections above for a detailed explanation of how the housing provides a bridge when the pipe ends are not in contact.

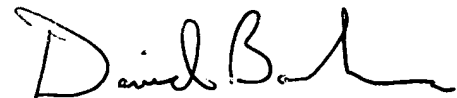
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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

**David Bochna  
Primary Examiner  
Art Unit 3679  
April 21, 2005**